

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

JOSHUA TOLBERT,

Plaintiff,

v.

KONCEPT MOTOR CARS, STRAWBERRY
ROAD AUTO SALES,

Defendants.

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CIVIL ACTION NO. 9:23-CV-00214-MJT-ZJH

JUDGE MICHAEL TRUNCALE

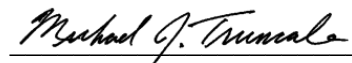
ORDER ADOPTING REPORT AND RECOMMENDATION

On November 20, 2023, the Court referred this case to United States Magistrate Judge Zack Hawthorn for pretrial management. [Dkt. 1]. On January 30, 2024, Judge Hawthorn issued a Report and Recommendation finding that Tolbert met the indigence requirements to proceed *in forma pauperis*. [Dkt. 4]. However, Judge Hawthorn also *sua sponte* recommended dismissing Tolbert's complaint because he failed to establish this Court has subject-matter jurisdiction to entertain the case. *Id.* The parties have not filed objections to the Report and Recommendation, and the time for doing so has passed. *See* 28 U.S.C. § 636(b)(1)(C).

The Court received and considered the Report and Recommendation of the United States Magistrate Judge pursuant to such referral, along with the record, pleadings, and all available evidence. Proper notice was given to Plaintiff at his last known address. *See* FED. R. CIV. P. 5(b)(2)(C). After careful review, the Court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

It is therefore ORDERED that Judge Hawthorn's Report and Recommendation dismissing Plaintiff Joshua Tolbert's complaint [Dkt. 4] is ADOPTED. Tolbert's complaint [Dkt. 1] is therefore DISMISSED WITHOUT PREJUDICE. The Court will issue a Final Judgment separately.

SIGNED this 2nd day of May, 2024.

A handwritten signature in black ink, reading "Michael J. Truncala", written over a horizontal line.

Michael J. Truncala
United States District Judge